

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CASIMIRO VENEGAS,

Petitioner

Case No. 2:22-cv-01585-CDS-DJA

V.

CALVIN JOHNSON, *et al.*,

Respondents

ORDER

Petitioner Casimiro Venegas commenced this action by filing a motion for appointment of counsel. ECF No. 1-1. However, Venegas did not (1) file a federal habeas corpus petition or (2) pay the standard \$5.00 filing fee or file an application for leave to proceed *in forma pauperis* (“IFP”). This court gave Venegas until November 15, 2022, to (1) file a federal habeas corpus petition on this court’s form and (2) pay the standard \$5.00 filing fee or file an application for leave to proceed IFP. ECF No. 3. The court warned Venegas that his failure to comply would result in the dismissal of this action without prejudice and without further advance notice. To date, Venegas has not filed a federal habeas corpus petition, paid the \$5.00 filing fee, filed a completed IFP application, requested an extension of time, or taken any other action to prosecute this case.

21 It is therefore ordered that the Clerk of Court file the motion for appointment of counsel
22 (ECF No. 1-1). The motion for appointment of counsel (ECF No. 1-1) is denied as moot.

23 It is further ordered that this action is **DISMISSED WITHOUT PREJUDICE** based on
24 petitioner's failure to comply with this court's order (ECF No. 3).

25 It is further ordered that petitioner is denied a certificate of appealability, as jurists of
26 reason would not find dismissal of this case for the reasons stated herein to be debatable or
27 wrong.

It is further ordered that the Clerk of Court is instructed to add Nevada Attorney General Aaron D. Ford as counsel for respondents. No response is required from respondents other than to respond to any orders of a reviewing court.

It is further ordered that pursuant to Rule 4 of the Rules Governing Section 2254 Cases, the Clerk of Court will informally serve the Nevada Attorney General with the motion (ECF No. 1-1), this order, and this Court's previous order (ECF No. 3) by sending a notice of electronic filing to the Nevada Attorney General's office.

It is further ordered that the Clerk of Court is instructed to enter final judgment accordingly and close this case.

10 DATED: November 17, 2022.


John R. Gibbons
UNITED STATES DISTRICT JUDGE